

## REMARKS

This application has been carefully reviewed in light of the Office Action dated August 14, 2008. Claims 1, 4 to 7, 10 to 13 and 16 to 22 and 25 remain in the application, with Claims 23, 24 and 26 having been cancelled herein. Claims 1, 7, 13 and 19 are the independent claims. Reconsideration and further examination are respectfully requested.

The title of the invention was objected to. The amended title suggested in the Office Action has been adopted.

Claims 22 to 26 were objected to. Without conceding the correctness of the rejections, the claims have either been cancelled or amended giving due consideration to the points noted in the Office Action. Reconsideration and withdrawal of the objections are respectfully requested.

Claims 13, 16 to 18, 25 and 26 were rejected under 35 U.S.C § 101. Without conceding the correctness of the rejections, the claims have been amended for even better compliance with § 101. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1, 4 to 7, 10 to 13 and 16 to 18 were rejected under 35 U.S.C. § 112, second paragraph for alleged ambiguity of it". The claims have been amended to make the subject matter thereof even clearer. Reconsideration and withdrawal of the objections are respectfully requested.

Claims 1, 4, 7, 10, 13 and 16 were rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2004/0057568 (Kawabata) in view of "SIP Demystified" (Camarillo), Claims 5, 11 and 17 were rejected under § 103(a) over Kawabata in view of

Camarillo and further in view of U.S. Patent No. 7,133,899 (Rowe) and “DSL for Dummies” (Angell), Claims 6, 12 and 18 were rejected under § 103(a) over Kawabata in view of Camarillo and further in view of “RFC 3261 - SIP: Session Initiation Protocol” (Rosenberg), Claims 19, 20 and 23 to 26 were rejected under § 103(a) over Kawabata in view of Camarillo and further in view of U.S. Patent No. 6,209,048 (Wolff), and Claims 21 and 22 were rejected under § 103(a) over Kawabata in view of Camarillo and Wolff and further in view of U.S. Publication No. 2003/0028892 (Gewickey). Reconsideration and withdrawal of the rejections are respectfully requested.

The invention provides for transmitting image data between devices in a VoIP network. In the invention, when a telephone number of the destination is input, an IP address is obtained. Then, based on a determination whether or not the destination device is able to communication data using SIP, the image data is either transmitted to the IP address by an IP connecting unit or is transmitted by a facsimile communication unit.

In one aspect of the invention as recited in Claim 1, the invention is directed to a communication apparatus which includes IP (Internet Protocol) communication means and transmits/receives communication data to/from a destination station discriminated by a telephone number, comprising IP address obtaining means for obtaining an IP address of the destination station from an SIP (Session Initiation Protocol) proxy server based on the telephone number of the destination station, facsimile communication means for performing facsimile communication on a line switching network, converting means for converting a signal that said facsimile communication means transmits/receives into data on an IP network, IP network connecting means for connecting to the IP network, and control means for controlling to, if the destination station is able to transmit/receive

communication data on the IP network based on a predetermined file transmit/receive protocol, start to transmit/receive image data to/from the destination station based on the predetermined file transmit/receive protocol, via the IP network connecting means, using the obtained IP address of the destination station, in response to the acquirement of the IP address by said IP address obtaining means, if said destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol, cause said facsimile communication means to start transmission/reception of image data to/from the destination station based on a predetermined file transmit/receive protocol, in response to the acquirement of the IP address of the destination station by said IP address obtaining means, and cause said converting means to execute conversion of the signal that said facsimile communication means transmits/receives and transmit/receive thus converted signal to/from the destination station via said IP network connecting means, and if said destination station is able to transmit/receive the communication data based on the predetermined file transmit/receive protocol, said control means transmits a response confirmation signal to the destination station relevant to the obtained IP address and starts the transmission of the image data, in response to reception of a corresponding response signal of the destination station from said SIP proxy server.

Claims 7 and 13 are method and computer medium claims, respectively, that substantially correspond to Claim 1.

In another aspect of the invention according to Claim 19, the invention is directed to a communication method which sends/receives communication data in IP (Internet Protocol) communication between communication apparatuses discriminated by

telephone numbers, the method comprising a first communication apparatus obtaining an IP address of a second communication apparatus from a predetermined server based on the telephone number of the second communication apparatus, and sending a data communication request to the second communication apparatus based on the obtained IP address, the second communication apparatus transmitting an HTTP data getting message to the first communication apparatus in response to reception of a response confirmation signal in SIP (Session Initiation Protocol) from the first communication apparatus, and the communication apparatus on a data receiving side of the first and second communication apparatuses sends a data sending request to the communication apparatus on a data sending side of the first and second communication apparatuses based on a data send/receive protocol conforming to an HTTP (HyperText Transport Protocol), and sends/receives the communication data on an IP network based on the data send/receive protocol.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of the invention. In particular, with regard to Claims 1, 7 and 13, the applied art is not seen to disclose or to suggest at least the features of, if the destination station is not able to transmit/receive communication data on the IP network based on the predetermined file transmit/receive protocol, cause a facsimile communication means to start transmission/reception of image data to/from the destination station based on a predetermined file transmit/receive protocol, in response to the acquirement of the IP address of the destination station by the IP address obtaining means, and cause the converting means to execute conversion of the signal that the facsimile communication means transmits/receives and transmit/receive thus converted signal to/from the destination station via the IP network connecting means. With regard to Claim

19, the applied art is not seen to disclose or to suggest at least the features of the second communication apparatus transmitting an HTTP data getting message to the first communication apparatus in response to reception of a response confirmation signal in SIP (Session Initiation Protocol) from the first communication apparatus, and the communication apparatus on a data receiving side of the first and second communication apparatuses sends a data sending request to the communication apparatus on a data sending side of the first and second communication apparatuses based on a data send/receive protocol conforming to an HTTP (HyperText Transport Protocol), and sends/receives the communication data on an IP network based on the data send/receive protocol.

Kawabata is merely seen to disclose that whether a destination station is called via the public telephone network or it is called via the IP network is selected according to a telephone number. Further, in the reference, Recommendation T.37 or T.38 is employed when communication is conducted on the IP network. Thus, when the SIP protocol and one of the T.37 or the T.38 are combined, the communication is to be started by a user or a timer, because each of the T. 37 and T.38 was ruled on the premise of the utilization on the always-on connection type internet. Therefore, unlike the present invention, the data communication cannot be started automatically even after the telephone connection using the SIP protocol.

The other applied art has been studied but none of those references are seen to teach anything that, when combined with Kawabata, would have resulted in the features of the invention.

In view of the foregoing, independent Claims 1, 7, 13 and 19, as well as the claims dependent therefrom, are believed to be allowable.

No other matters having been raised, the entire application is believe to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Edward Kmett/

---

Edward A. Kmett  
Attorney for Applicant  
Registration No.: 42,746

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

FCBS\_WS 2650164v1